

**BOARD OF
SELECTMEN
MEETING
MINUTES**

July 23, 2013

Fire & EMS Headquarters, 20 Church Street , Training Room
Chairman James Brochu; Selectman Robert J. Fleming; Selectman
Kenneth Picard; Town Manager, Blythe C. Robinson; Executive
Assistant, Sandra Hakala.

1 The meeting was called to order at 6:00pm. Chairman Brochu opened the meeting and after the
2 pledge of allegiance he reviewed the agenda
3

4 **MINUTES**

5
6 **Motion #1:** Motion made by Selectman Fleming to approve the July 2, 2013 Regular Session
7 Meeting Minutes.
8

9 Second: Chairman Brochu, Abstain: Selectman Picard, Majority Action of the Board.
10

11 **Motion #2:** Motion made by Selectman Picard to approve the July 16, 2013 Regular Session
12 Meeting Minutes.
13

14 Second: Selectman Fleming, Unanimous: Chairman Brochu
15

16 **TOWN MANAGER'S REPORT**

17
18 The FY 13/14 State budget continues to be in play as the Governor had signed the budget, but
19 vetoed sections of it including unrestricted government aid and transportation. The legislature is
20 taking up this issue again this week and it appears that they have the votes to override the
21 Governor on these issues.
22

23 Work continues on the Town Hall project. Demolition of interior spaces and the proper removal
24 of the asbestos tile in the basement level were accomplished. The boiler, bathrooms, and rooms
25 on either side of the stage in the Main Hall have been taken out. Next week they expect to
26 remove the oil tank, and begin the process of installing shoring behind the building in
27 preparation for the structural work in that area. The Treasurer's Office safe was finally safely
28 relocated to temporary Town Hall.
29

30 Proposals were received from two firms to update to the Town's personnel pay and classification
31 plan. The Personnel Board will review the proposals and will hold interviews next month and
32 select a firm with which to proceed.
33

34 Two bids were received on July 18th for the exterior renovation of the Police Station, and both
35 exceeded the appropriation for the project. The replacement of the exterior doors and other
36 smaller aspects of the work that will enable the building to be weather tight for another winter
37 season are being considered. It is unlikely that a Town Meeting in time to budget funds and
38 complete the work this construction season will occur.
39

40 Chief Bradley and the Town Manager met this week with a member of United Parish Church
41 interested in putting together a "First Night Upton" celebration. They discussed the logistics of
42 such an event so it can be determined whether or not to move forward with the idea. A cultural

43 council grant was issued to help defray the cost of the event, and their goal is to put together a
44 program of arts events that celebrates local talent and provides a family friendly option to
45 celebrate the ringing in of the New Year. A follow up meeting will be held in early October to
46 see how the planning is going and work on details to make the event safe and successful.

47
48 Ms. Robinson had lunch with the new Town Coordinator from Hopedale, Mr. Steve Sette. They
49 discussed the dispatch contract and how well that is going, and opened the door for other sharing
50 opportunities in the future.

51
52 Ms. Robinson referred to the DPW's departmental report from Director Thompson and
53 mentioned that the water project was 5% under budget.

54
55 The correspondence the Town Manager referenced was that of a letter sent to Foxwoods Casino
56 to formally request that the Town be recognized as a "surrounding community" and also a letter
57 from a resident requesting that the Town expand Heritage Week end into Heritage Week.

58
59 Again referencing the departmental reports, Selectmen Picard asked the Town Manager how she
60 would rate the ring down system. Ms. Robinson gave it an 'A'.

61
62 **INVITED GUESTS**

63
64 **Public Hearing – Pole Location**

65 Chairman Brochu proceeded to open a Public Hearing at 6:10PM pertaining to the Petition by
66 National Grid seeking approval for the relocation of a pole and lead wire on High Street from its
67 present location between homes #122 and #126. The existing pole has a long guy wire that
68 needs to be replaced. They are proposing relocating the pole 12 feet in an easterly direction,
69 with a shorter guy wire of 15 feet to support it. That guy wire will need to be anchored on
70 private property.

71
72 Crystal Tognazzi was in attendance representing National Grid to answer questions from the
73 Board. She said the relocation was initiated by the homeowner.

74
75 DPW has reviewed the location and has no issue with the relocation. Chairman Brochu asked if
76 there were any questions. There were none. The hearing was closed at 6:09PM. Chairman
77 Brochu recused himself because he is an abutter.

78
79 **Motion #3:** Motion made by Selectman Picard that the Town of Upton grants permission to
80 National Grid to relocate on High Street existing Joint Pole #43 12' NE of existing location and
81 install new down guy and anchor with a 15" lead.

82
83 Second: Selectman Fleming, Abstain: Chairman Brochu, Majority Action of the Board.

84
85 **Public Hearing – Class II License**

86 Chairman Brochu opened the Public Hearing at 6:15PM and Mr. Jim Wilson appeared before the
87 Selectmen requesting approval of a Class II license to sell up to 10 used cars at his business –
88 Wilson Tire & Auto at 90 Main Street. This location has had a Class II license in the past

89 (Upton Tire & Auto), but it lapsed when that licensee moved to Milford Street. Mr. Wilson has
90 received approval from the ZBA for a variance from the zoning by-laws. Mr. Wilson confirmed
91 that all abutters have been notified.

92
93 The hearing was closed at 6:17PM.

94
95 **Motion #4:** Motion made by Selectman Picard to authorize the issuance of a Class II license to
96 Wilson Tire & Auto, contingent upon an approved CORI check, on the premises described in
97 accordance with the guidelines from the ZBA, with a maximum of ten used cars to be sold at this
98 location with the following conditions; no change to the square footage of the parking area, all
99 cars are to be on this property, no additional lighting to be added and hours of operation 7:30am-
100 5:30pm Monday- Friday.

101
102 Second: Selectman Fleming, Unanimous: Chairman Brochu.

103
104 **DISCUSSION ITEMS:**

105
106 **Discuss BOS Annual Appointments**

107 Ms. Robinson informed the Board that questions have been posed to the office us about the age
108 at which a resident can serve on a committee, and whether the Board of Selectmen would
109 consider expanding the size of the Conservation Commission to allow an associate member.

110
111 The Town Manager contacted the Secretary of State's Office and there is no minimum age for a
112 resident to serve on an appointed committee. If it were elected then obviously they would need
113 to be a registered voter and thus age eighteen Ms. Robinson said.

114
115 As to the second question the Town Manager informed the Selectmen that the Conservation
116 Commission has a very interested resident who has been attending their meetings and has offered
117 to assist the commission. The Conservation Commission would like to have an Associate (non-
118 voting) position to encourage involvement, particularly so that when there is an opening in the
119 future for a full member they have a possible candidate. Selectmen Picard asked that the by law
120 afforded the Selectmen to do so and this will be addressed at their next meeting.

121
122 Chairman Brochu opened the final Public Hearing of the evening at 6:20 PM on a request
123 for Transfer of License to Store Flammable Materials by Mr. Georgis Fisseha who has purchased
124 the Gasco Station at 44 Milford Street and needs approval to transfer the license to store these
125 materials for his operation. All taxes have been paid on the property, and the Fire Chief has
126 given his approval. Mr. Fisseha confirmed that all abutters have been notified.

127
128 The hearing was closed at 6:24PM.

129
130 **Motion #5:** Motion made by Selectman Picard to approve the Application for License in
131 accordance with Chapter 148 of the MGL for a license to store flammables, combustibles or
132 explosives on land in buildings or structures as described on the application.

133
134 Second: Selectman Fleming, Unanimous: Chairman Brochu.

135 Eagle Scout Tony Arrigo was then welcomed by the Selectmen to present his project. Mr. Arrigo
136 had requested from the Board approval to conduct a survey and mapping project of Veteran's
137 Graves at Lakeview Cemetery.

138
139 The Selectmen were over whelmed by the presentation given by Eagle Scout Arrigo and thanked
140 him for his priceless contribution to this documentation on a historical piece of property. His
141 mantra that "no one is to be forgotten" is reflected in his piece of work.

142
143 The Selectmen requested that this be put on the Town's website as "view only" and a copy be
144 given to the Historical Commission as well. They also asked the Eagle Scout to inform them as
145 to when he will go to Board review.

146
147 **DISCUSSION ITEMS continued:**

148
149 Green Community Study Committee applicants

150
151 Chairmen Brochu asked that the three of the five applicants come forward. Ms. Robinson stated
152 that she had interviewed three of the five members, as the other two already serve on Town
153 boards and are known. All are enthusiastic about serving and bring various knowledge and
154 background that will be beneficial to the group she stated.

155
156 The Selectmen thanked the group for coming forward and recognized the depth of experience on
157 all sides which will prepare them for the lengthy and intense work to be done.

158
159 **Motion #6:** Motion made by Selectman Fleming to immediately appoint the following to the
160 Green Community Study Committee: Leigh Hamlet, Robert Jordan, David Schmidt, Marcella
161 Stasa, and William Taylor.

162
163 Second: Selectman Picard, Unanimous: Chairman Brochu

164
165 Finance Committee applicant

166
167 The application and bio from Shawn Craig who would like to be named to the Finance
168 Committee was reviewed by the Board of Selectmen. Ms. Robinson has met with him, and Mr.
169 Craig has also attended both a BOS and Finance Committee meeting. The Town Manager
170 recommends his candidacy, noting that he has significant education and experience in private
171 sector financial matters. He is also very enthusiastic about serving his community, and eager to
172 learn about municipal finance so he can be an effective member.

173
174 **Motion #7:** Motion made by Selectman Picard to immediately appoint Shawn Craig to the
175 Finance Committee.

176
177 Second: Selectman Fleming, Unanimous: Chairman Brochu

178
179 In June this year the Board reappointed Jim Bates, Jr. to be Upton's delegate to CMRPC. The
180 Town Manager received notice from CMRPC about this year's delegate, and in that they indicate

181 the attendance of last year. Mr. Bate's has assured the Board that he is able to and intends to be
182 involved again this year.

183
184 Review Draft Reserve Policy

185 The reserve policy was discussed at the last meeting and subsequently at the joint meeting with
186 the Finance Committee on July 17th. The Finance Committee was positive about the policy, but
187 recommended that instead of a contribution to the general stabilization fund of \$100,000 or 20%
188 of Free Cash that the threshold is 10% of each year's certified amount. The policy was updated
189 to reflect this change.

190
191 The Board asked that each year an addendum be added to reflect current numbers and will send
192 it back to the Finance Committee for final review and ask for their endorsement in order to make
193 motion at their next meeting.

194
195 Motion to Approve Various Contracts

196 The Town Manager reviewed the two contract prepared for Vertex and MKA for architectural
197 services in which it addresses a project oversight in the construction administration phase of the
198 Town Hall project.

199
200 An adjustment to the dollar amounts of both projects from what was proposed in the project
201 budgets at Town Meeting is being made. The original contract for architectural services
202 anticipated that the architect would be paid approximately 10% of the overall construction costs
203 for their services the Town Manager explained. When the budget for this phase of the project
204 was put together, the architectural services line item did not increase concurrently with the
205 anticipated costs as the estimates were done. No one who was involved in the budget process
206 caught that shortfall which is approximately \$50,000.

207
208 The Building Committee has reviewed this matter on two occasions and is comfortable that the
209 Town's best interests will be met with this change. All agreed that it was not appropriate at this
210 phase of the construction to dip into the contingency that we needed to complete the first few
211 months of critical work before we could even begin to consider such an option.

212
213 The Town Manager commended both consultants in their willingness to step forward and come
214 up with a plan that helps ensure that the project is finished successfully and on budget.

215
216 **Motion #8:** Motion made by Selectman Picard to amend the original contract with Vertex to
217 \$171,500.

218
219 Second: Selectman Fleming, Unanimous: Chairman Brochu

220
221 **Motion #9:** Motion made by Selectman Picard to amend the original contract with MKA for
222 contract administration services for \$126,975.

223
224 Second: Selectman Fleming, Unanimous: Chairman Brochu

225
226 The Contact for the Police Station exterior was passed over.

227 The electronic permitting process has moved into the implementation phase of the project. GEO
228 TMS is scheduled for implementation in October.

229
230 **Motion #10:** Motion made by Selectman Fleming to enter into a licensing agreement with Des
231 Lauriers Solutions Inc. for the electronic permitting development.

232
233 Second: Selectman Picard, Unanimous: Chairman Brochu

234
235 Discuss Proposed Changes to Ambulance Rates
236 Chief Goodale discussed with the Selectmen his recommendation that the Board of Selectmen
237 increase the rates for ambulance services. He stated that the rates have not been changed since
238 2009, and Upton falls behind other communities in our area and the state with regard to what is
239 charged.

240
241 The Chief recommended that the Selectmen increase its base rates to 2.0 times higher than
242 Medicare. Cognizant that this may create hardship for some all agreed that there is a process in
243 place to help those in need.

244
245 **Motion #11:** Motion made by Selectman Picard to amend increase ALS and BLS transport two
246 times the Medicare rate.

247
248 Second: Selectman Fleming, Unanimous: Chairman Brochu

249
250 CHAPA – 17 Knowlton Circle
251 The Selectman has acknowledged the Town’s sixty (60) day right of refusal to purchase the
252 property at 17 Knowlton Circle any they do not intend to do so and understand the homeowner
253 may proceed to find an eligible buyer.

254
255 Vote to Name the 3rd Well Field and Select a Ribbon Cutting Date
256 The Board of Selectmen have chosen not to rename the 3rd Municipal Wellfield at this time and
257 will proceeded to schedule a ribbon cutting on September 10th.

258
259 Accept the Resignation of William Sadler from the Cemetery Commission
260 The Selectmen will forward the resignation from Mr. Sadler from the Cemetery Commission to
261 the Town Clerk. This is an elected commission it will require a joint election by the remaining
262 members of the Commission and the Board to elect a new member to fill the remainder of his
263 term.

264
265 The Board recognized M. Sadler for his many years of service to the Town and the many
266 contributions he made.

267
268 Review all executive session records to determine if public non-disclosure is still warranted
269 The Selectmen will review the list and determine the active files in preparation of the next
270 meeting and make motion at that time.

271
272 **RECOGNITION**

273 Chairman Brochu recognized the Civilian Conservation Corps 80th anniversary in Upton and
274 thanked them for their service. The Corps members helped make state parks what they are today
275 by planting trees, creating dams and beaches and building trails, access roads, campgrounds and
276 other recreational facilities.

277

278 **OTHER TOPIC NOT REASONABLY ANTICIPATED**

279

280 **MEETING LOOK AHEAD TOPICS**

281

282 The Selectman will schedule a work shop for August 6th to discuss improvement of Town
283 government operations through strategic planning

284

285 **EXECUTIVE SESSION**

286

287 **Motion #12:** At 7:40PM Chairman Brochu motioned to enter into an executive session under
288 M.G.L. Chapter 30A, Section #21, Exception #3 South Street Gravel Permit - To discuss strategy
289 with respect to collective bargaining or litigation if an open meeting may have a detrimental
290 effect on the bargaining or litigating position of the public body and the chair so declares.

291

292 James Brochu, aye, Robert Fleming, aye, Kenneth Picard, aye.

293

294 **Motion #13:** At 8:10pm Chairman Brochu motioned to reconvene the regular meeting.

295

296 Second: Selectman Fleming, Unanimous: Selectman Picard.

297

298 **ADJOURN MEETING**

299

300 **Motion #14:** At 8:10pm motion was made by Chairman Brochu to adjourn the regular meeting.

301

302 Second: Selectman Fleming, Unanimous: Selectman Picard.

303

304

305

306 Respectfully submitted,

307

308 Sandra Hakala, Executive Assistant